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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/641,312	08/18/2000	Ryuji Ishiguro	SONY-T0988	7225

22850 7590 10/18/2005

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

MOORTHY, ARAVIND K

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/641,312

Applicant(s)

ISHIGURO ET AL.

Examiner

Aravind K. Moorthy

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the amendment filed on 22 July 2005.
2. Claims 1-11 are pending in the application.
3. Claims 1-11 have been rejected.
4. Claims 12-25 have been cancelled.

Response to Arguments

5. The indicated allowability of claims 1-11 is withdrawn in view of the newly discovered reference(s) to Misra et al. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1, 2 and 4-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Misra et al U.S. Patent No. 6,189,146 B1.**

As to claims 1, 4 and 5, Misra et al discloses a transmitter device which transmits first data to a receiver device by driving a recording medium that stores the first data and second data that describes a limitation on the usage of the first data, the transmitter device comprising:

storage means for storing a check value of calculated on the basis of the
second data [column 14 line 30 to column 6 line 8];

communication means which, in the authenticating of the receiver device, transmits the second data to the receiver device while receiving a check value calculated on the basis of the second data from the receiver device [column 14 line 30 to column 6 line 8]; and

determination means which, in the authenticating of the receiver device, determines whether check value of the second data received by the communication means matches the check value of the second data stored in the storage means [column 14 line 30 to column 6 line 8].

As to claim 2, Misra et al discloses that the storage means inhibits the writing or reading of the check value of the second data in a process other than the authentication process [column 14 line 30 to column 6 line 8].

As to claims 6, 9 and 10, Misra et al discloses a receiver device for receiving first data from a transmitter device, the receiver device comprising:

communication means which, in the authenticating of the transmitter device, receives, from the transmitter device, second data that describes a limitation on the usage of the first data while transmitting check value calculated on the basis of the second data to the transmitter device [column 14 line 30 to column 6 line 8]; and

encrypted value generator means for generating the check value of the second data based on the second data received by the communication means, in the authenticating of the transmitter device, the check value for detecting whether

the second data has been tampered with or not [column 14 line 30 to column 6 line 8].

As to claim 7, Misra et al discloses a receiver device further comprising a random number generator means for generating a random number having a predetermined bit number [column 16, lines 12-16]. Misra et al discloses that the communication means transmits, to the transmitter device, the check value of the second data together with the random number generated by the random number generator means [column 16, lines 17-37].

As to claim 8, Misra et al discloses a receiver device further comprising a usage limiting data generator means which generates, subsequent to the reception of the first data, third data which describes a limitation on the usage of the first data, based on the second data received by the communication means [column 1, lines 26-46]. Misra et al discloses that the encrypted value generator means generates a check value generated on the basis of the third data generated by the usage limiting data generator means [column 15 line 56 to column 16 line 37]. Misra et al discloses that the communication means transmits, to the transmitter device, the check value of the second data together with the check value of the third data [column 15 line 56 to column 16 line 37].

As to claim 11, Misra et al discloses a communication system comprising a transmitter device which transmits first data by driving a recording medium that stores the first data and second data that describes a limitation on the usage of the first data, and a receiver device for receiving the first data;

the transmitter device comprising:

storage means for storing a check value calculated on the basis of the second data [column 14 line 30 to column 6 line 8];

first communication means which, in the authenticating of the receiver device, transmits the second data to the receiver device while receiving a check value calculated on the basis of the second data from the receiver device [column 14 line 30 to column 6 line 8]; and

determination means which, in the authenticating of the receiver device, determines whether the check value of the second data received by the communication means matches the check value of the second data stored in the storage means [column 14 line 30 to column 6 line 8]; and

the receiver device comprising:

second communication means which, in the authenticating of the transmitter device [column 14 line 30 to column 6 line 8],

receives, from the transmitter device, second data that describes a limitation on the usage of the first data while transmitting the check value calculated on the basis of the second data to the transmitter device [column 14 line 30 to column 6 line 8]; and

encrypted value generator means for generating the check value of the second data based on the second data received by the communication means, in the authenticating of the transmitter device, the check value for detecting whether

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the second data has been tapered with or not [column 14 line 30 to column 6 line 8].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Misra et al U.S. Patent No. 6,189,146 B1 as applied to claim 1 above, and further in view of Bernecker U.S. Patent No. 5,435,599.

As to claim 3, Misra et al does not teach that the storage means has a tamper resistance.

Bernecker teaches a tamper resistant storage medium and its benefits [abstract].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Misra et al so that the storage medium as taught in the combination above would have been tamper resistant.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Misra et al by the teaching of Bernecker because it solves the problem of falsification and tampering of recording mediums [column 2 line 67 to column 3 line 15]


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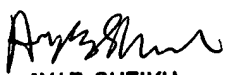
Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aravind K Moorthy 
October 14, 2005


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
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